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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,262	11/14/2003	James G. Stanley	086142-0609	8060
22428	7590	09/07/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,262	Applicant(s) STANLEY ET AL.	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005 and 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 27, 28 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-38 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/05 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25, 27, 28, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25 and 30 recite “a second stitching located entirely outside of the loop portion”. This is unclear as it appears that the location of the second stitching (see 126; Figure 6) is still part of the “loop” (116; Figure 6). The claim is indefinite as it is unclear how this is “entirely outside the loop”; further, it is unclear where the “loop” would begin and end.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25, 27, 28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Stojanovski (6,301,977).

Stojanovski discloses a seat belt device comprising: a webbing (12); and a belt tension sensor (see Figure 2); wherein one end of the webbing includes a loop (part that extends through 40) that is connected to the sensor; wherein the loop portion includes a folded portion (see Figure 7) that passes through an opening in the sensor; wherein the webbing includes a stitching (56) to maintain the shape of the folded portion, and the webbing includes a second stitching (second 56) located entirely outside of the loop portion to connect the end of the webbing to the webbing (“56” is above the “loop” portion and is used to connect the end of the webbing to the webbing).

The width of the folded portion located in the webbing is less than the width of the opening (see Figure 7). The stitching runs transverse to the longitudinal direction of the webbing.

6. Claims 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada (4,371,193).

Takada discloses a seat belt (see Figure 5) including one end connected to the belt by a first stitching (39) to thereby form a looped portion; wherein the portion of the seat belt adjacent to the looped portion is not folded (34; Figure 5) wherein the looped portion includes a folded portion (fold where stitching 38 is located) and a transition portion (between 37 and 34, i.e., to the left of 36 in Figure 5) that fans (see Figure 4) out from the folded portion to join the unfolded portion of the seat belt; wherein the first stitching is located in the unfolded portion of the belt and wherein a second stitching (38) is located in the folded portion to constrain the belt from unfolding. As broadly claimed, the first stitching is located in the unfolded portion of the belt substantially adjacent to the folded portion; “adjacent” is broader than side by side, *Ex parte Appeldorn & Gilkeson* (PTO BDApp 159 USPQ 791). Adjacent is a relatively close position and “substantially” further broadens the term.

The first stitching (39) includes several rows of stitching. The second stitching includes a single row of stitching (38).

Allowable Subject Matter

7. Claims 35-38 are allowed.

Response to Arguments

8. Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive.

On pages 6-7, applicant argues the rejection of Stojanovski stating that “stitching 56 merely forms the belt loop” and does not including any stitching “located entirely outside of the

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loop portion.” In response it is submitted that as the claim does not define what the “loop” is, in Figure 5 of Stojanovski, the “loop” is the portion below the stitching. Therefore, the stitching is outside of the loop. It is unclear how applicant can define the second stitching of the instant invention being outside of the loop, while arguing that the stitching of Stojanovski is not outside of the loop. It appears that the extent of the “loop” is unknown; it has not been defined by the specification.

On page 7, applicant argues the rejection of Takada, stating that “if the transition portion is below the folded portion, then the transition portion cannot join the unfolded portion, which is above the folded portion. As clarified in the rejection above, the transition portion is the portion to the left of “36”, which fans out from the folded portion (from “37” to “38”) to join the unfolded portion (at 34).

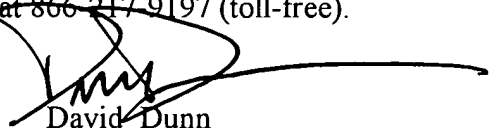
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616